

AMENDED IN SENATE JUNE 21, 2006

AMENDED IN SENATE JUNE 9, 2005

AMENDED IN ASSEMBLY MAY 4, 2005

AMENDED IN ASSEMBLY APRIL 11, 2005

AMENDED IN ASSEMBLY MARCH 31, 2005

CALIFORNIA LEGISLATURE—2005–06 REGULAR SESSION

ASSEMBLY BILL

No. 1683

Introduced by Assembly Member Shirley Horton

February 22, 2005

An act to add Section ~~6608.7~~ 6608.8 to the Welfare and Institutions Code, relating to sex offenders.

LEGISLATIVE COUNSEL'S DIGEST

AB 1683, as amended, Shirley Horton. Sex offenders.

Existing law requires the Director of Corrections, prior to the release of a person from custody convicted of certain crimes of a sexual nature against 2 or more victims, to refer the person to the State Department of Mental Health for evaluation. The law authorizes civil commitment for a 2-year term, as a sexually violent predator, if the person is adjudicated to be likely to engage in sexually violent criminal behavior if discharged.

Under existing law, if the Director of Mental Health determines that the committed person's diagnosed mental disorder has so changed that the person is no longer likely to commit acts of predatory sexual violence while under supervision and treatment in the community, the director is required to forward a report and recommendation for

conditional release, and if the court determines that the person does not pose a danger, it is required to order a one-year community placement with an appropriate forensic conditional release program operated by the state. The law authorizes the department to contract with the county or private providers for community supervision and treatment.

Existing law, with certain exceptions, requires a nonparolee who is conditionally released under these provisions to be placed in the county of domicile. The law requires the department to notify certain persons of the proposed community placement, including, but not limited to, the sheriff or chief of police.

This bill would require the department to provide the court with a copy of the written terms and conditions of outpatient treatment signed by the patient and a copy of the written contract entered into with any public or private person or entity to monitor or supervise the patient's outpatient placement and treatment program. ~~The bill would, except for confidential medical and treatment information, require and would authorize the court to order the department to provide copies of the agreement to prescribed local officials.~~

This bill would, *with certain exceptions*, prohibit the department or its designee from altering any of the terms and conditions of outpatient treatment without court approval.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 6608.8 is added to the Welfare and
- 2 Institutions Code, to read:
- 3 6608.8. (a) For any person who is proposed for community
- 4 outpatient treatment under the forensic conditional release
- 5 program, the department shall provide to the court a copy of the
- 6 written contract entered into with any public or private person or
- 7 entity responsible for monitoring and supervising the patient's
- 8 outpatient placement and treatment program. This subdivision
- 9 does not apply to subcontracts between the contractor and
- 10 clinicians providing treatment and related services to the person.
- 11 (b) The terms and conditions of conditional release shall be
- 12 drafted to include reasonable flexibility to achieve the aims of

1 conditional release, and to protect the public and the
2 conditionally released person.

3 (c) The court in its discretion may order the department to,
4 notwithstanding Section 4514 or 5328, provide a copy of the
5 written terms and conditions of conditional release to the sheriff
6 or chief of police, or both, that have jurisdiction over the
7 proposed or actual placement community.

8 (d) (1) Except in an emergency, the department or its
9 designee shall not alter the terms and conditions of conditional
10 release without the prior approval of the court.

11 (2) The department shall provide notice to the person
12 committed under this article and the district attorney or
13 designated county counsel of any proposed change in the terms
14 and conditions of conditional release.

15 (3) The court on its own motion, or upon the motion of either
16 party to the action, may set a hearing on the proposed change.
17 The hearing shall be held within seven court days of the notice.

18 (4) If a hearing on the proposed change is held, the court shall
19 state its findings on the record. If the court approves a change in
20 the terms and conditions of conditional release without a
21 hearing, the court shall issue a written order.

22 (5) In the case of an emergency, the department or its designee
23 may deviate from the terms and conditions of the conditional
24 release if necessary to protect public safety or the safety of the
25 person. If a hearing on the emergency is set by the court or
26 requested by either party, the hearing shall be held as soon as
27 practicable. The department, its designee, and the parties shall
28 endeavor to resolve routine matters in a cooperative fashion
29 without the need for a formal hearing.

30 (e) Notwithstanding any provision of this section, including,
31 but not limited to, subdivision (d), matters concerning the
32 residential placement, including any changes or proposed
33 changes in residential of the person, shall be considered and
34 determined pursuant to Section 6609.1.

35 ~~SECTION 1. Section 6608.7 is added to the Welfare and~~
36 ~~Institutions Code, to read:~~

37 ~~6608.7. (a) Notwithstanding any provision of law to the~~
38 ~~contrary, including, but not limited to, Sections 4514 and 5328,~~
39 ~~for any person committed under this article who is proposed for~~
40 ~~community outpatient treatment under the forensic conditional~~

1 ~~release program the department shall provide to the court a copy~~
2 ~~of the written terms and conditions of outpatient treatment,~~
3 ~~signed by the patient, and a copy of the written contract entered~~
4 ~~into with any public or private person or entity responsible for~~
5 ~~monitoring and supervising the patient's outpatient placement~~
6 ~~and treatment program. The department shall also provide copies~~
7 ~~of the written terms and conditions of the outpatient treatment,~~
8 ~~except for confidential medical and treatment information, to the~~
9 ~~sheriff or chief of police, or both, and to the district attorney or~~
10 ~~the counsel designated by the county, that have jurisdiction over~~
11 ~~the proposed placement community.~~
12 ~~(b) The department or its designee shall not alter or modify~~
13 ~~any of the terms and conditions of the outpatient treatment~~
14 ~~without approval of the court.~~